

Serial No.: 10/079,674
Art Unit: 3713**REMARKS**

This is a full and timely response to the non-final Office Action mailed January 9, 2006. Reconsideration and allowance of the application and pending claims 1-25 and 27-57 are respectfully requested.

Response to Rejection of Claims Under 35 U.S.C. §112

Claims 11 and 21-25 stand rejected under 35 U.S.C. §112, Second Paragraph, as allegedly being indefinite for distinctly claiming subject matter which applicant regards as an embodiment of the invention. Claims 11, 21, and 24 have been amended and are believed to comply with 35 U.S.C. §112, Second Paragraph. Thus, Applicant respectfully requests withdrawal of the rejections.

Response to Rejection of Claims Under 35 U.S.C. §103(a)

In the Office Action, claims 1-12, 14-23, 25, 27-41, 43-51, 53-55, and 57 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Peppel* (U.S. Patent 6,200,216 B1) in view of *Morris* (U.S. Patent No. 6,097,389). Claims 11-13, 24, 42, 52, and 56 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Peppel* in view of *Morris* in further view of *Webb* (U.S. Patent No. 6,325,756 B1). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and In re Keller, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).*

a. Claim 1

As provided in independent claim 1, Applicant claims:

A system for displaying photographic images, the system comprising a combination of:

a gaming console for playing a video game;

a communications means for connecting the gaming console to a wide area network;

a domestic visual display unit for displaying at least one digitised photographic image data to a user of the gaming console;

a permanent data store connected to the wide area network, the permanent data store storing the digitised photographic image data and

Serial No.: 10/079,674
Art Unit: 3713

comprising transmission means for transmitting part or all of the digitised photographic image data to the gaming console;

a portable digital data store residing in the gaming console;

a viewing application program residing in the gaming console, the viewing application program comprising a communications program for receiving the digitised photographic image data from the permanent data store, the viewing application program being arranged to configure the gaming console to display the digitised photographic image data on the domestic visual display unit when the digitised photographic image data has been received by the gaming console, *the viewing application program forwarding input selections made by a gaming controller of the gaming console to a remote gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the domestic visual display unit and further being used to control how the digitised photographic image data is being viewed on a remote display of the remote gaming console;*

the remote gaming console;

the remote display coupled to the remote gaming console; and

a remote communications means for connecting the remote gaming console to the wide area network, wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies display operations of the gaming console corresponding to the transmitted input selections so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views the digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console.

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Peppel* in view of *Morris* does not disclose, teach, or suggest at least the feature of "the viewing application program forwarding input selections made by a gaming controller of the gaming console to a remote gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the domestic visual display unit and further being used to control how the digitised photographic image data is being viewed on a remote display of the remote gaming console" or "a remote communications means for connecting the remote gaming console to the wide area network, wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies display operations of the gaming console corresponding to the transmitted input selections so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views the digitised photographic image data on

Serial No.: 10/079,674
Art Unit: 3713

the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console," as recited and emphasized above in claim 1.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. *See, e.g.*, col. 8, lines 28-35. For example, "users can post offers to buy and sell" and the offers "are then stored and forwarded to owners of cards." Col. 8, lines 42-48. The Office Action also explains that *Peppel* teaches that a user can create a card and "upload it onto the server for display" where a second user can then view the card by downloading it to a remote console. *See* Office Action, page 8. Thus, *Peppel* does not appear to teach or suggest that a user may view image data on his or her console and make input selections via a gaming controller (*e.g.*, which buttons were pressed, how was joystick moved, *etc.*) that affects how the image data is displayed or viewed on his or her display or screen, where the input selections are also forwarded to a remote console so that the same actions may be viewed on a remote display of the remote console.

With regard to *Morris*, the Office Action states that *Morris* teaches that a user can create an album and publish it on a network. A second user may then view the album, but the first user can still edit the album or have control in allowing others to access the album. *See* Office Action, page 9. For sake of argument, if the above statements are assumed to be accurate, *Morris* still does not teach or suggest that input selections made by a gaming control for a gaming console is forwarded to a remote gaming console, where "the input selections of the gaming controller [are] used to control how the digitised photographic image data is being viewed on the domestic visual display unit and further [are] used to control how the digitised photographic image data is being viewed on a remote display of the remote gaming console."

Likewise, *Peppel* and *Morris* fail to teach or suggest "a remote communications means for connecting the remote gaming console to the wide area network, wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies display operations of the gaming console corresponding to the transmitted input selections so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views the digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console," as recited in claim 1.

Serial No.: 10/079,674
Art Unit: 3713

The Office Action also stated that the Applicant had previously argued functional language limitations or "intended use" and that the prior art only needs to recite structural claim limitations and not functional limitations. Applicant respectfully disagrees. The MPEP states that a reference may not have to disclose claimed functional limitations if the functional limitations are inherently disclosed by the structural limitations of the reference. "[T]he examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the prior art." *Ex Parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). For example, *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 429, 1431-32 (Fed. Cir. 1997), as cited in MPEP 2114, frames the issue on whether the functional limitations of a claim give the claim patentable weight.

In the present case, it is asserted that the claimed functional limitations are not inherent in the cited references and therefore add to the patentable weight of the claims. *See In re Schreiber*, 44 USPQ2d at 14 32.

For at least the aforementioned reasons, *Peppel* in view of *Morris* does not establish a prima facie case of obviousness. The rejection should be withdrawn for at least this reason alone.

b. Claims 2-18 and 27-28

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-18 and 27-28 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and elements of independent claim 1 and *Webb* does not remedy the deficiencies of the *Peppel* and *Morris* references. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). For example, *Webb* diversely describes a system where screen data areas are monitored for changes and then updates of any changes are communicated to a display device. *See* col. 9, lines 42-64. For at least this reason, the rejections of claims 2-18 should be withdrawn.

Additionally and notwithstanding the foregoing allowability of claims 2-18 and 27-28, these dependent claims recite further features and/or combinations of features (as are apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these claims are allowable.

Serial No.: 10/079,674
Art Unit: 3713c. Claims 19-20

As provided in independent claim 19, Applicant claims:

A system for displaying a personal digital photographic images, the system comprising a combination of:

- a gaming console for playing a video game;
- a data communications module for connecting the gaming console to a wide area network;
- a domestic visual display unit for displaying the personal digital photographic images to a user of the gaming console;
- a permanent data store connected to the wide area network, the permanent data store storing the digitised photographic image data;
- transmission means for transmitting part or all of the digitised photographic image data from the permanent data store to the gaming console;
- a portable digital data store residing in the gaming console;
- a plurality of user-selectable viewing application programs residing in the gaming console;
- a communications program for receiving the digitised photographic image data from the permanent data store via the transmission means, the plurality of viewing application programs being arranged to provide different algorithms for displaying the digitised photographic image data in different ways and being arranged to configure the gaming console to display the digitised photographic image data on the domestic visual display unit in a user-selected way when the digitised photographic image data has been received by the gaming console;
- a remote gaming console;
- a remote display coupled to the remote gaming console; and
- a remote communications means for connecting the remote gaming console to the wide area network,

wherein the gaming console and the remote gaming console communicate via the wide area network such that the gaming console forwards input selections made by a gaming controller of the gaming console to the remote gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the domestic visual display unit and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote gaming console synchronizes and copies display operations of the gaming console corresponding to the transmitted input selections so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views corresponding digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console.

(Emphasis added).

Applicants respectfully submit that independent claim 19 is allowable for at least the reason that *Peppel* in view of *Morris* does not disclose, teach, or suggest at least the feature

Serial No.: 10/079,674
Art Unit: 3713

"wherein the gaming console and the remote gaming console communicate via the wide area network such that the gaming console forwards input selections made by a gaming controller of the gaming console to the remote gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the domestic visual display unit and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote gaming console synchronizes and copies display operations of the gaming console corresponding to the transmitted input selections so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views corresponding digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console," as recited and emphasized above in claim 19.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. *See, e.g.*, col. 8, lines 28-35. For example, "users can post offers to buy and sell" and the offers "are then stored and forwarded to owners of cards." Col. 8, lines 42-48. The Office Action also explains that *Peppel* teaches that a user can create a card and "upload it onto the server for display" where a second user can then view the card by downloading it to a remote console. *See* Office Action, page 8. Thus, *Peppel* does not appear to teach or suggest that a user may view image data on his or her console and make input selections via a gaming controller (*e.g.*, which buttons were pressed, how was joystick moved, *etc.*) that affects how the image data is displayed or viewed on his or her display or screen, where the input selections are also forwarded to a remote console so that the same actions may be viewed on a remote display of the remote console.

With regard to *Morris*, the Office Action states that *Morris* teaches that a user can create an album and publish it on a network. A second user may then view the album, but the first user can still edit the album or have control in allowing others to access the album. *See* Office Action, page 9. For sake of argument, if the above statements are assumed to be accurate, *Morris* still does not teach or suggest that input selections made by a gaming control for a gaming console is forwarded to a remote gaming console, "wherein the gaming console and the remote gaming console communicate via the wide area network such that the gaming console forwards input selections made by a gaming controller of the gaming console to the remote gaming console, the input selections of the gaming controller being used to control

Serial No.: 10/079,674
Art Unit: 3713

how the digitised photographic image data is being viewed on the domestic visual display unit and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote gaming console synchronizes and copies display operations of the gaming console corresponding to the transmitted input selections so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the remote display, and such that a second user views corresponding digitised photographic image data on the remote display as the digitised photographic image data is being actively controlled by the user of the gaming console," as described in claim 19.

Therefore, *Peppel* in view of *Morris* does not establish a *prima facie* case of obviousness. The rejection of claim 19 and claim 20 which depends therefrom should be withdrawn for at least this reason alone.

d. Claim 21

As provided in independent claim 21, Applicant claims:

A system for displaying a first user's personal digital photographic images, the system comprising a combination of:

a gaming console for playing a video game; the gaming console including a data communications module for connecting the gaming console to a wide area network;

a domestic visual display unit for displaying the video game to the first user when connected with the console;

a permanent data store connected to the wide area network, the permanent data store storing the first user's digitised photographic image data and comprising transmission means for transmitting part or all of the first user's digitised photographic image data to the gaming console via the wide area network;

a portable digital data store including a viewing application program and a communications program for receiving the first user's digitised photographic image data from the permanent data store via the communications means and the wide area network, the viewing application program being arranged to configure the gaming console to display the digitised photographic image data on the domestic visual display unit when the first user's digitised photographic image data has been received by the gaming console;

a further gaming console for playing a video game; the further gaming console including a further data communications module for connecting the further gaming console to the wide area network;

a further domestic visual display unit for displaying the video game to a second user when connected with the console; and

a further portable digital data store including a further viewing application program, the further viewing application program comprising a further communications program for receiving the first user's digitised

Serial No.: 10/079,674
Art Unit: 3713

photographic image data from the permanent data store via the further communications means and the wide area network, the further viewing application program being arranged to configure the further gaming console to display the first user's digitised photographic image data on the further domestic visual display unit when the first user's digitised photographic image data has been received by the further gaming console, wherein the gaming console and the further gaming console communicate via the wide area network *such that the gaming console forwards input selections made by a gaming controller of the gaming console to the further gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the domestic visual display unit and further being used to control how the digitised photographic image data is being viewed on the further domestic visual display unit, and the further gaming console synchronizes and copies display operations of the gaming console corresponding to the transmitted input selections so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the further domestic visual display unit, and such that a second user views the digitised photographic image data on the further domestic visual display unit as the digitised photographic image data is being actively controlled by the user of the gaming console.*

(Emphasis added).

Applicants respectfully submit that independent claim 21 is allowable for at least the reason that *Peppel* in view of *Morris* does not disclose, teach, or suggest at least the feature "such that the gaming console forwards input selections made by a gaming controller of the gaming console to the further gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the domestic visual display unit and further being used to control how the digitised photographic image data is being viewed on the further domestic visual display unit, and the further gaming console synchronizes and copies display operations of the gaming console corresponding to the transmitted input selections so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the further domestic visual display unit, and such that a second user views the digitised photographic image data on the further domestic visual display unit as the digitised photographic image data is being actively controlled by the user of the gaming console," as recited and emphasized above in claim 21.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. *See, e.g.*, col. 8, lines 28-35. For example, "users can post offers to buy and sell" and the offers "are then stored and forwarded to owners of cards." Col. 8, lines 42-48. The Office Action also explains that *Peppel* teaches

Serial No.: 10/079,674
Art Unit: 3713

that a user can create a card and "upload it onto the server for display" where a second user can then view the card by downloading it to another console. *See* Office Action, page 8. Thus, *Peppel* does not appear to teach or suggest that a user may view image data on his or her console and make input selections via a gaming controller (e.g., which buttons were pressed, how was joystick moved, etc.) that affects how the image data is displayed or viewed on his or her display or screen, where the input selections are also forwarded to the other console so that the same actions may be viewed on a visual display of the other console.

With regard to *Morris*, the Office Action states that *Morris* teaches that a user can create an album and publish it on a network. A second user may then view the album, but the first user can still edit the album or have control in allowing others to access the album. *See* Office Action, page 9. For sake of argument, if the above statements are assumed to be accurate, *Morris* still does not teach or suggest that input selections made by a gaming control for a gaming console is forwarded to another gaming console, "such that the gaming console forwards input selections made by a gaming controller of the gaming console to the further gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the domestic visual display unit and further being used to control how the digitised photographic image data is being viewed on the further domestic visual display unit, and the further gaming console synchronizes and copies display operations of the gaming console corresponding to the transmitted input selections so that a user of the gaming console controls viewing of the digitised photographic image data displayed on the further domestic visual display unit, and such that a second user views the digitised photographic image data on the further domestic visual display unit as the digitised photographic image data is being actively controlled by the user of the gaming console," as described in claim 21.

Therefore, *Peppel* in view of *Morris* does not establish a *prima facie* case of obviousness. The rejection of claim 21 should be withdrawn for at least this reason alone.

e. Claims 22-25

Because independent claim 21 is allowable over the cited art of record, dependent claims 22-25 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and elements of independent claim 21 and *Webb* does not remedy the deficiencies of the *Peppel* and *Morris* references. For example, *Webb* diversely describes a system where screen data areas are monitored for changes and then updates of any changes

Serial No.: 10/079,674
Art Unit: 3713

are communicated to a display device. *See* col. 9, lines 42-64. For at least this reason, the rejections of claims 2-18 should be withdrawn. For at least this reason, the rejections of claims 22-25 should be withdrawn.

Additionally and notwithstanding the foregoing allowability of claims 22-25, these dependent claims recite further features and/or combinations of features (as are apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these claims are allowable.

f. Claim 29

As provided in independent claim 29, Applicant claims:

A method for viewing pre-captured photographic images with video gaming consoles, comprising:

displaying at least one pre-captured photographic image on a local display using a local video gaming console in accordance with instructions from a user of the local video gaming console; and

displaying the pre-captured photographic image on a remote display using a remote video gaming console in accordance with instructions from the user of the local video gaming console, wherein the local video gaming console and the remote gaming console communicate with each other such that the local video gaming console forwards input selections made by a gaming controller of the local video gaming console to the remote gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the local display and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console.

(Emphasis added).

Applicants respectfully submit that independent claim 29 is allowable for at least the reason that *Peppel* in view of *Morris* does not disclose, teach, or suggest at least "displaying the pre-captured photographic image on a remote display using a remote video gaming console in accordance with instructions from the user of the local video gaming console, wherein the local video gaming console and the remote gaming console communicate with each other such that the local video gaming console forwards input selections made by a gaming controller of the local video gaming console to the remote gaming console, the input selections of the gaming controller being used to control how the digitised photographic

Serial No.: 10/079,674
Art Unit: 3713

image data is being viewed on the local display and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console," as recited and emphasized above in claim 29.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. *See, e.g.*, col. 8, lines 28-35. For example, "users can post offers to buy and sell" and the offers "are then stored and forwarded to owners of cards." Col. 8, lines 42-48. The Office Action also explains that *Peppel* teaches that a user can create a card and "upload it onto the server for display" where a second user can then view the card by downloading it to another console. *See* Office Action, page 8. Thus, *Peppel* does not appear to teach or suggest that a user may view image data on his or her console and make input selections via a gaming controller (*e.g.*, which buttons were pressed, how was joystick moved, *etc.*) that affects how the image data is displayed or viewed on his or her display or screen, where the input selections are also forwarded to the other console so that the same actions may be viewed on a visual display of the other console.

With regard to *Morris*, the Office Action states that *Morris* teaches that a user can create an album and publish it on a network. A second user may then view the album, but the first user can still edit the album or have control in allowing others to access the album. *See* Office Action, page 9. For sake of argument, if the above statements are assumed to be accurate, *Morris* still does not teach or suggest that input selections made by a gaming control for a gaming console is forwarded to another gaming console, such that "displaying the pre-captured photographic image on a remote display using a remote video gaming console [is] in accordance with instructions from the user of the local video gaming console, wherein the local video gaming console and the remote gaming console communicate with each other such that the local video gaming console forwards input selections made by a gaming controller of the local video gaming console to the remote gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the local display and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote

Serial No.: 10/079,674
Art Unit: 3713

video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console," as described in claim 29.

Therefore, *Peppel* in view of *Morris* does not establish a *prima facie* case of obviousness. The rejection of claim 29 should be withdrawn for at least this reason alone.

g. Claims 30-42

Because independent claim 29 is allowable over the cited art of record, dependent claims 30-42 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and steps of independent claim 29. For at least this reason, the rejections of claims 30-42 should be withdrawn.

Additionally and notwithstanding the foregoing allowability of claims 30-42, these dependent claims recite further features and/or combinations of features (as are apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these claims are allowable.

h. Claim 43

As provided in independent claim 43, Applicant claims:

A video gaming console, comprising:

a means for communicating to a display at least one pre-captured photographic image such that the pre-captured photographic image is displayed on a local display in accordance with instructions from a user of the video gaming console; and

a means for communicating the instructions from the user of the video gaming console to a remote video gaming console such that the same pre-captured photographic image is displayed on a remote display using the remote video gaming console;

wherein the video gaming console and the remote gaming console communicate with each other such that video gaming console forwards input selections made by a gaming controller of the video gaming console to the remote video gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the local display of the video gaming console and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote video gaming console synchronizes and copies the way in which a user of the video gaming console controls display of the pre-captured photographic image on the local display, and such that the

Serial No.: 10/079,674
Art Unit: 3713

pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the video gaming console.

(Emphasis added).

Applicants respectfully submit that independent claim 43 is allowable for at least the reason that *Peppel* in view of *Morris* does not disclose, teach, or suggest at least the feature "wherein the video gaming console and the remote gaming console communicate with each other such that video gaming console forwards input selections made by a gaming controller of the video gaming console to the remote video gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the local display of the video gaming console and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote video gaming console synchronizes and copies the way in which a user of the video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the video gaming console," as recited and emphasized above in claim 43.

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. *See, e.g.*, col. 8, lines 28-35. For example, "users can post offers to buy and sell" and the offers "are then stored and forwarded to owners of cards." Col. 8, lines 42-48. The Office Action also explains that *Peppel* teaches that a user can create a card and "upload it onto the server for display" where a second user can then view the card by downloading it to another console. *See* Office Action, page 8. Thus, *Peppel* does not appear to teach or suggest that a user may view image data on his or her console and make input selections via a gaming controller (*e.g.*, which buttons were pressed, how was joystick moved, *etc.*) that affects how the image data is displayed or viewed on his or her display or screen, where the input selections are also forwarded to the other console so that the same actions may be viewed on a visual display of the other console.

With regard to *Morris*, the Office Action states that *Morris* teaches that a user can create an album and publish it on a network. A second user may then view the album, but the first user can still edit the album or have control in allowing others to access the album. *See* Office Action, page 9. For sake of argument, if the above statements are assumed to be

Serial No.: 10/079,674
Art Unit: 3713

accurate, *Morris* still does not teach or suggest that input selections made by a gaming control for a gaming console is forwarded to another gaming console, "wherein the video gaming console and the remote gaming console communicate with each other such that video gaming console forwards input selections made by a gaming controller of the video gaming console to the remote video gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the local display of the video gaming console and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote video gaming console synchronizes and copies the way in which a user of the video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the video gaming console," as described in claim 43.

Therefore, *Peppel* in view of *Morris* does not establish a *prima facie* case of obviousness. The rejection of claim 43 should be withdrawn for at least this reason alone.

i. Claims 44-52

Because independent claim 43 is allowable over the cited art of record, dependent claims 44-52 are allowable as a matter of law, for at least the reason that the dependent claims contain all the elements and steps of independent claim 43 and *Webb* does not remedy the deficiencies of the *Peppel* and *Morris* references. For example, *Webb* diversely describes a system where screen data areas are monitored for changes and then updates of any changes are communicated to a display device. See col. 9, lines 42-64. For at least this reason, the rejections of claims 2-18 should be withdrawn. For at least this reason, the rejections of claims 44-52 should be withdrawn.

Additionally and notwithstanding the foregoing allowability of claims 44-52, these dependent claims recite further features and/or combinations of features (as are apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these claims are allowable.

Serial No.: 10/079,674
Att Unit: 3713j. Claim 53

As provided in independent claim 53, Applicant claims:

A program for viewing pre-captured photographic images with video gaming consoles stored on computer-readable medium, the program comprising logic configured to perform:

displaying at least one pre-captured photographic image on a local display using a local video gaming console in accordance with instructions from a user of the local video gaming console; and

communicating the pre-captured photographic image to a remote video gaming console such that the pre-captured photographic image is displayed on a remote display in accordance with the instructions from the user of the local video gaming console;

wherein the local video gaming console and the remote gaming console communicate with each other such that the local video gaming console forwards input selections made by a gaming controller of the local video gaming console to the remote gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the local display of the local video gaming console and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console.

(Emphasis added).

Applicants respectfully submit that independent claim 53 is allowable for at least the reason that *Peppel* in view of *Morris* does not disclose, teach, or suggest at least "wherein the local video gaming console and the remote gaming console communicate with each other such that the local video gaming console forwards input selections made by a gaming controller of the local video gaming console to the remote gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the local display of the local video gaming console and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console," as recited and emphasized above in claim 53.

Serial No.: 10/079,674
Art Unit: 3713

Rather, *Peppel* discloses at most a system where a first user posts an electronic trading card online and a second user downloads the electronic trading card for viewing on his or her computer without any involvement of the first user. *See, e.g.*, col. 8, lines 28-35. For example, "users can post offers to buy and sell" and the offers "are then stored and forwarded to owners of cards." Col. 8, lines 42-48. The Office Action also explains that *Peppel* teaches that a user can create a card and "upload it onto the server for display" where a second user can then view the card by downloading it to another console. *See* Office Action, page 8. Thus, *Peppel* does not appear to teach or suggest that a user may view image data on his or her console and make input selections via a gaming controller (*e.g.*, which buttons were pressed, how was joystick moved, *etc.*) that affects how the image data is displayed or viewed on his or her display or screen, where the input selections are also forwarded to the other console so that the same actions may be viewed on a visual display of the other console.

With regard to *Morris*, the Office Action states that *Morris* teaches that a user can create an album and publish it on a network. A second user may then view the album, but the first user can still edit the album or have control in allowing others to access the album. *See* Office Action, page 9. For sake of argument, if the above statements are assumed to be accurate, *Morris* still does not teach or suggest that input selections made by a gaming control for a gaming console is forwarded to another gaming console, "wherein the local video gaming console and the remote gaming console communicate with each other such that the local video gaming console forwards input selections made by a gaming controller of the local video gaming console to the remote gaming console, the input selections of the gaming controller being used to control how the digitised photographic image data is being viewed on the local display of the local video gaming console and further being used to control how the digitised photographic image data is being viewed on the remote display, and the remote video gaming console synchronizes and copies the way in which a user of the local video gaming console controls display of the pre-captured photographic image on the local display, and such that the pre-captured photographic image is displayed on the remote display in accordance with current control of the local display by the user of the local video gaming console," as described in claim 53.

Therefore, *Peppel* in view of *Morris* does not establish a prima facie case of obviousness. The rejection of claim 53 should be withdrawn for at least this reason alone.

Serial No.: 10/079,674
Art Unit: 3713k. Claims 54-57

Because independent claim 53 is allowable over the cited art of record, dependent claims 54-57 are allowable as a matter of law, for at least the reason that the dependent claims contain all the features and steps of independent claim 53 and *Webb* does not remedy the deficiencies of the *Peppel* and *Morris* references. For example, *Webb* diversely describes a system where screen data areas are monitored for changes and then updates of any changes are communicated to a display device. *See* col. 9, lines 42-64. For at least this reason, the rejections of claims 2-18 should be withdrawn. For at least this reason, the rejections of claims 54-57 should be withdrawn.

Additionally and notwithstanding the foregoing allowability of claims 54-57, these dependent claims recite further features and/or combinations of features (as are apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these claims are allowable.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


Charles W. Griggers
Reg. No. 47,283